

Sean J. Kirby  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
30 Rockefeller Plaza  
New York, New York 10112  
Telephone: (212) 653-8700  
Facsimile: (212) 653-8701  
skirby@sheppardmullin.com  
*Attorneys for Defendant 380 Second LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

MILAGROS FRANCO, : x  
Plaintiff, :  
v. : Civil Action No. 1:22-cv-04011-AS-JW  
380 SECOND LLC AND SMALL DOOR :  
GRAMERCY LLC, : DEFENDANT 380 SECOND LLC'S  
Defendants. : NOTICE OF MOTION FOR SUMMARY  
: JUDGMENT  
: ORAL ARGUMENT REQUESTED  
:

---

**PLEASE TAKE NOTICE** that, upon the annexed Local Rule 56.1 Statement of Undisputed Facts, the Declaration of Sean J. Kirby, Esq., dated December 28, 2023, with exhibits, the Declaration of Atilio Leveratto, dated December 21, 2023, with exhibits, the Declaration of Joshua Guttman, dated December 28, 2023, the accompanying Memorandum of Law in Support of this Motion for Summary Judgment, and any and all prior pleadings and proceedings herein, Defendant 380 Second LLC ("380 Second"), by and through its undersigned counsel, Sheppard, Mullin, Richter and Hampton LLP, will move this Court before the Honorable Arun Subramanian, U.S.D.J., on a date and at a time designated by the Court, at Courtroom 15A at the Daniel Patrick Moynihan, United States Courthouse, 500 Pearl Street, New York, NY 10007, for an Order granting 380 Second Summary Judgment, pursuant to Rules 56 and 12(b)(1) of the Federal Rules of Civil Procedure, on (i) each of Plaintiff Milagros Franco's claims under Americans with

Disabilities Act (“ADA”), the New York State Human Rights Law (“NYSHRL”), the New York City Human Rights Law (“NYCHRL”), and the New York State Civil Rights Law, and (ii) 380 Second’s Cross Claim for contractual indemnification against Defendant Small Door Gramercy LLC, and for such other and further relief as is just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court’s Order dated November 29, 2023 (Dkt. No. 88), opposition papers to this Motion shall be served by January 29, 2024, and reply papers shall be served by February 12, 2024.

Dated: New York, New York  
December 29, 2023

Respectfully submitted,

**SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**

By: /s/ Sean J. Kirby  
Sean J. Kirby

30 Rockefeller Plaza  
New York, New York 10112  
Tel.: (212) 653-8700  
Fax: (212) 653-8701  
skirby@sheppardmullin.com

*Attorneys for Defendant 380 Second LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 2023, I caused true and correct copies of 380 Second's: (i) Notice of Motion in Support of its Motion for Summary Judgment; (ii) Memorandum of Law in Support of the same; (iii) Rule 56.1 Statement in Support of the same; (iv) Declaration of Sean J. Kirby, Esq., dated December 28, 2023, with exhibits, (v) the Declaration of Atilio Leveratto, dated December 21, 2023, with exhibits; (vi) the Declaration of Joshua Guttman, dated December 28, 2023, and (vii) the Proposed Order, to be served by the Court's electronic case filing system upon all counsel of record.

Dated: New York, New York  
December 29, 2023

Respectfully submitted,

**SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**

By: /s/ Sean J. Kirby  
Sean J. Kirby

30 Rockefeller Plaza  
New York, New York 10112  
Tel.: (212) 653-8700  
Fax: (212) 653-8701  
skirby@sheppardmullin.com

*Attorneys for Defendant 380 Second LLC*